

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

COLUMBIA MEDICAL SYSTEMS, INC.,
PHU NGUYEN, TUYET NGUYEN, and
SESS MERKE,

Defendants.

Case No. CR05-270L

ORDER DENYING DEFENDANT
SESS MERKE'S APPLICATION FOR
RULE 17(c) SUBPOENA *DUCES*
TECUM

This matter comes before the Court on "Defendant Sess Merke's Application for Rule 17(c) Subpoena *Duces Tecum*" (Dkt. # 58). The Court finds that Merke's application for subpoena is not adequately supported by the arguments contained therein. Merke relies exclusively on United States v. Nixon, 418 U.S. 683 (1974). Nixon involved a special prosecutor's efforts to overcome the assertion of executive privilege by the defendant and sitting president, Richard M. Nixon. These facts are unique and bear no relation to the circumstances in the instant action. For this reason, IT IS HEREBY ORDERED that defendant's application is DENIED.

DATED this 15th day of February, 2006.



Robert S. Lasnik
United States District Judge

ORDER DENYING DEFENDANT SESS
MERKE'S APPLICATION FOR RULE 17(c)
SUBPOENA *DUCES TECUM*